

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
*See* Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

OCT 27 2010

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

IN RE MICHELLE Z. )  
) 2 CA-JV 2010-0103  
) DEPARTMENT B  
)  
) MEMORANDUM DECISION  
) Not for Publication  
) Rule 28, Rules of Civil  
) Appellate Procedure  
)  
\_\_\_\_\_ )

APPEAL FROM THE SUPERIOR COURT OF SANTA CRUZ COUNTY

Cause No. JV10098

Honorable Kimberly A. Corsaro, Judge Pro Tempore

AFFIRMED

Law Offices of Thomas E. Higgins, P.L.L.C.  
By Thomas E. Higgins

Tucson  
Attorney for Minor

E C K E R S T R O M, Judge.

¶1 Pursuant to a plea agreement, Michelle Z. was adjudicated delinquent for theft of property with a value of one thousand dollars or more but less than two thousand dollars, as alleged in count two of the June 25, 2010, delinquency petition. The juvenile court subsequently ordered seventeen-year-old Michelle committed to the Arizona Department of Juvenile Corrections for a period not to exceed her eighteenth birthday,

the first three months of which was to be in a level-four secure facility. Michelle's counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), and *In re Maricopa County Juvenile Action No. JV-117258*, 163 Ariz. 484, 788 P.2d 1235 (App. 1989), avowing he had "found no arguable issues on appeal" and requesting that this court "search the entire record for error."

¶2 We have searched the record as requested and find no reversible error. Rather, the record supports the juvenile court's findings that Michelle's admission was knowing, voluntary, and intelligent and that there was an adequate factual basis for the plea; Michelle admitted that, without permission, she took and sold her aunt's jewelry valued between one and two thousand dollars. Additionally, the court soundly exercised its discretion when it committed Michelle until her eighteenth birthday, after reviewing the detailed predisposition investigation report and psychological evaluation and considering the commitment guidelines and all relevant circumstances, including the fact that Michelle had not succeeded on probation imposed in connection with an earlier adjudication. Addressing Michelle, the court noted she had been given numerous opportunities to rehabilitate herself and stated, "you have turned around and done exactly as you pleased." The court added that it was concerned about the choices she had made and stated, "I'm concerned that you continue to be a risk both to yourself and others, [including your] unborn child [and] your family."<sup>1</sup>

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<sup>1</sup>Michelle was about five months pregnant at the time of the July 2010 change-of-plea hearing.

¶3 The juvenile court's order adjudicating Michelle delinquent and the disposition are affirmed.

/s/ Peter J. Eckerstrom  
PETER J. ECKERSTROM, Judge

CONCURRING:

/s/ Garye L. Vásquez  
GARYE L. VÁSQUEZ, Presiding Judge

/s/ Virginia C. Kelly  
VIRGINIA C. KELLY, Judge